

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CROSSFIT, INC., a Delaware  
corporation,

Plaintiff,

v.

NATIONAL STRENGTH AND  
CONDITIONING ASSOCIATION, a  
Colorado corporation,

Defendant.

Case No.: 14cv1191 JLS (KSC)

**ORDER GRANTING AMENDED  
JOINT *EX PARTE* APPLICATION  
AND MOTION FOR  
POSTPONEMENT OF PRETRIAL  
PROCEEDINGS**

(ECF Nos. 122, 123)

Presently before the Court is Plaintiff Crossfit, Inc. (“CrossFit”)’s and Defendant National Strength and Conditioning Association (“NSCA”)’s first Joint *Ex Parte* Motion to Postpone Pretrial Proceedings by 90 Days or Longer (“First Postponement Mot.”), (ECF No. 122), and Amended Joint *Ex Parte* Motion to Postpone Pretrial Proceedings by 90 Days or Longer (“Am. Postponement Mot.”), (ECF No. 123). The Pretrial Conference is currently scheduled for November 17, 2016. (See Order Clarifying Scheduling Order, ECF No. 69.)

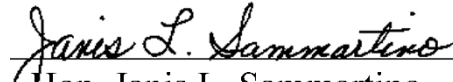
The parties advance several reasons for granting the Amended Postponement Motion. (Am. Postponement Mot. at 2–3.) First, there are pending discovery disputes and motions which will affect trial preparations. (*Id.* at 2.) Second, the Court’s Order on the parties’ cross motions for summary judgment, (ECF No. 121), was entered September 21,

1 2016, and the parties request additional time to adequately address the Order's  
2 ramifications. (Am. Postponement Mot. at 2.) Third, the parties request more time to  
3 complete the Mandatory Settlement Conference, noting that it "may prove necessary and  
4 beneficial to this case and its potential resolution . . . ." (*Id.*) Finally, the current Pre-Trial  
5 Conference is scheduled for the week before the Thanksgiving holiday, and the parties  
6 have concerns regarding the availability of "a large number of out-of-state, third-party  
7 witnesses . . . ." (*Id.* at 2–3.)

8 Given these arguments, the Court concludes that there is good cause to grant the  
9 motion. Accordingly, the Court hereby **GRANTS** the parties' Amended Postponement  
10 Motion, (ECF No. 123), **DENIES AS MOOT** the parties' First Postponement Motion,  
11 (ECF No. 122), and **VACATES** the November 17, 2016 pretrial conference. The parties  
12 shall jointly file a motion for entry of an amended scheduling order, which shall include  
13 proposed deadlines, within one week of the date this Order is electronically docketed.

14 **IT IS SO ORDERED.**

15 Dated: September 27, 2016

  
16 Hon. Janis L. Sammartino  
17 United States District Judge  
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